

— EXHIBIT 4 —

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

SUMNER DAVENPORT, individually and
on behalf of all others similarly situated,

Plaintiff,

v.

DISCOVER FINANCIAL SERVICES and
DISCOVER HOME LOANS, INC.,

Defendants.

NO. 1:15-cv-06052

DEMAND FOR JURY

Honorable Virginia M. Kendall

Magistrate Judge Geraldine S. Brown

**DECLARATION OF ADAM GONNELLI IN SUPPORT OF MOTION FOR
PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT**

I, Adam Gonnelli, declare as follows:

1. I am a member of the Sultz Law Group (“SLG”), counsel of record for Plaintiffs in this matter. I am admitted *pro hac vice* to practice before this Court and am a member in good standing of the bar of the State of New York. I respectfully submit this declaration in support of Plaintiffs’ motion for preliminary approval of the settlement of the above-captioned class action. Except as otherwise noted, I have personal knowledge of the facts set forth in this declaration, and could testify competently to them if called upon to do so.

2. SLG is a law firm based in Poughkeepsie, New York, that focuses on complex civil and commercial litigation with an emphasis on complex litigation, class action, and trial practice. The attorneys of SLG have extensive experience in consumer class actions and have been appointed lead or co-lead class counsel in numerous cases at both the state and federal level. *See* Firm Resume, Exhibit A.

3. I am the lead attorney from SLG in the instant litigation. I concentrate my practice in consumer and wage and hour class actions.

4. I fully support the settlement and believe it is fair, reasonable, and adequate result in light of the risks involved with further litigation.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

EXECUTED at Red Bank, New Jersey, this 13th day of January, 2017.

/s/ Adam Gonnelli, Admitted Pro Hac Vice
Adam Gonnelli, Admitted Pro Hac Vice

CERTIFICATE OF SERVICE

I, Beth E. Terrell, hereby certify that on January 13, 2017, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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Attorneys for Defendants

DATED this 13th day of January, 2017.

TERRELL MARSHALL LAW GROUP PLLC

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— EXHIBIT A —



The Sultzer Law Group, P.C. focuses on complex civil litigation, including consumer class actions. The firm is headquartered in New York, and maintains offices in California, New Jersey, and Pennsylvania. Since its founding in 2013, The Sultzer Law Group, P.C. has served as counsel in numerous high-profile consumer class action cases. The firm is included in Martindale-Hubbell's Bar Register of Preeminent Lawyers for its class action practice. The partners are AV rated by Martindale-Hubbell and have been selected as Super Lawyers. The firm's founding partner, Mr. Sultzer, has earned selection as a Fellow of the Litigation Counsel of America (LCA), recognizing the country's top trial attorneys. The firm's attorneys have contributed to or been featured in various well known publications, regarding their class action practice, including: *Law360*, *Inside Counsel Magazine*, *Risk Management Magazine*, and *CNBC News*. More detail about the firm, its practice areas, and its attorneys appear on its website: www.thesultzerlawgroup.com

I. Representative Practice Areas

Consumer Protection Class Action Litigation

Attorneys at The Sultzer Law Group, P.C. have advocated for consumers' rights, successfully challenging some of the nation's largest and most powerful corporations for a variety of improper, unfair, and deceptive business practices in a wide range of industries including, the financial, cosmetic, food, and supplement industries. Through our efforts, we have recovered significant benefits for our consumer clients.

Recent Representative matters include:

- *Assis, David et al. v. Ernest Supplies LLC* (Kings County Supreme Court 505605/2016)
- *Campbell, Kathleen et al. v. McBride Research Laboratories, Inc., et al.* (New York, Bronx County Supreme Court 26761/2016E)
- *Ciancio, Silvio et al. v. Beaumont Products Incorporated, et al.* (SDNY 16-cv-08124)
- *Cordoba, Kelly et al. v. Virgin Scent, Inc., et al.* (New York, Westchester County Supreme Court 56355/2016)
- *Dayan, Eli et al. v. Swiss-American Products, Inc.* (EDNY 15-cv-06895)
- *Douek, Vivian et al. v. McNabb LLC* (EDNY 16-cv-01763)
- *Guerra, Ruth et al. v. Hero Nutritionals, Inc.* (EDNY 16-cv-04563)
- *Gurkov, Levi et al. v. Frederick Hart Company Inc. et al.* (Nassau County Supreme Court 601706/2016)
- *Haack, Jeffrey et al. v. Drew's LLC* (SDNY 16-cv-06022)
- *Harabedian, Paul et al. v. Hammer Nutrition, LTD* (EDNY 14-cv-0459)
- *Hecht, Shea, et al. v. Wells Fargo Bank, N.A., et al.* (EDNY 15-cv-02338)



- *Huzarsky, Jonathan et al. v. Little Kids, Inc.* (U.S. District Court District of Massachusetts 15-cv-13613)
- *Jacobs, Marcella et al. v. Camille Rose L.L.C.* (SDNY 16-cv-08937)
- *Jones, Maureen et al. v. John WM Macy Cheesesticks, Inc.* (Kings County Supreme Court 509337/2015)
- *Kaatz, Marie and Gagliardi, Abigail, et al. v. Hyland's Inc., et al.* (SDNY 16-cv-00237)
- *Maor, Marshall et al v. Paramount Country Club, LLC, et al.* (Rockland County Supreme Court 032284/2016)
- *Markos, Jaish et al. v. Russell Brands, LLC* (SDNY 16-cv-4362)
- *Moschetta, Marc et al. v. Wal-Mart Stores, Inc. d/b/a Great Value* (SDNY 16-cv-01377)/MDL: 2705 & 2708
- *Nicotra, Jennifer et al. v. Babo Botanicals, LLC* (EDNY 16-cv-00296)
- *Principe, Mark et al. v. Edison Nation, LLC et al.* (EDNY 15-cv-05453)
- *Rosner, Ari v. CleanWell LLC* (EDNY 16-cv-01780)
- *Rosner, Yisroel et al. v. Spectrum Brands, Inc.* (EDNY 16-cv-01693)
- *Silva, Christopher et al. v. Smucker Natural Foods, Inc. and J.M. Smucker Co.* (EDNY 14-cv-6154)
- *Sitt v. Nature's Bounty, Inc. et al.* (SDNY 15-cv-04199)
- *Sullivan, Noelky et al. v. Church & Dwight Inc.* (EDNY 15-cv-04737)
- *Thomas, Jenny v. YCC et al.* (Dutchess County Supreme Court 5456/2014)
- *Weisberg, Cynthia et al. v. Aladdin Bakers, Inc.* (Kings County Supreme Court 503704/2015)
- *Vincent, Wesley, et al. v People Against Dirty, PBC. and Method Products, PBC.,* (SDNY 7:16-cv-06936-NSR)

Commercial Litigation

Attorneys at The Sultz Law Group, P.C. handle high-stakes commercial cases for both plaintiffs and defendants. We specialize in significant liability exposure involving issues such as business torts, intellectual property matters in which we have pursued and defended against patent and trademark infringement claims, breach of contract, UCC sale of goods, predatory lending, misappropriation of trade secrets/customers, fraud, unfair competition, breach of fiduciary duty, conversion, business transactions, and land use actions. We have successfully represented municipalities as well as companies and individuals in a wide range of industries, including real estate, telecommunications, retail, manufacturing, construction, and alarm/emergency response systems. As a result of our aggressive representation, we have recovered millions of dollars on behalf of clients embroiled in contentious business disputes.



Recent representative matters include:

- *101 Imaging LLC DBA Acuscan v. Dr. Rossi, MD., P.C. et al.* (Nassau County Supreme Court 601008/2014)
- *Asset Enhancement Solutions, LLC v. Lifewatch, Inc.* (Nassau County Supreme Court 601542/2014)
- *Brune & Richard LLP v. Daniel Beyda et al.* (New York County Supreme Court 650443/2015)
- *CDP Holdings Group, LLC v. Daniel Beyda* (New York County Supreme Court 650261/2016)
- *Craig C. Goldberg v. GA Capital Partners LLC et al.* (New York County Supreme Court 652748/2015)
- *Daniel Beyda v. Daniel DiPietro et al.* (Nassau County Supreme Court 600916/2015)
- *Dover Madison Capital Management LLC v. Clearwater Systems Corp. et al.* (New York County Supreme Court 652315/2015)
- *Eddie Sitt, individually and derivatively and on behalf of Sitt Asset Management LLC and Sitt Leasing, LLC v. Ralph Sitt et al.* (New York County Supreme Court 652490/2016)
- *Enterprise Radiology, P.C. d/b/a Washington Heights Imaging v. CDP Holdings Group, LLC et al.* (Nassau County Supreme Court 601786/2015)
- *Federal Trade Commission et al. v. Lifewatch Inc. et al.* (U.S. District Court, Northern District of Illinois 15-cv-05781)
- *Lease-It Capital Corp. d/b/a Acculease v. I.M.S./Imaging Medical Solutions, Inc. et al.* (New York County Supreme Court 151316/2015)
- *Life Alert Emergency Response, Inc. v. Lifewatch, Inc.*, 2:08-cv-02184-CAS (FFMx) (C.D. Cal)
- *Long Island Radiology Associates, P.C. v. Daniel Beyda M.D. et al.* (Nassau County Supreme Court 602572/2015)
- *Scanner Guard Corporation v. Excelsis Investments, Inc. et al.* (EDPA 16-cv-00516)
- *Walker Winslow Group, LLC d/b/a Paradigm Health Plans v. Ross Krasnow, et al.* (U.S. District Court District of New Jersey 14-cv-7772)

Mass Tort Litigation

Attorneys at The Sultz Law Group, P.C. have successfully defended companies against mass toxic tort cases docketed throughout the United States. Our cases have ranged from single-plaintiff, single-defendant, and single-product claims of personal injury to matters which involved hundreds of plaintiffs and hundreds of products. We have obtained defense verdicts and summary judgment orders in a number of asbestos, lead, latex, and benzene cases.



II. Partner Biographies

Jason P. Sultz

Jason P. Sultz represents clients throughout the United States and has substantial experience in class actions, product liability, mass torts, business disputes, personal injury litigation, and intellectual property-related issues.

Mr. Sultz has successfully defended and prosecuted nationally recognized companies in highly publicized class action lawsuits in state and federal courts, including proceedings before the

Judicial Panel on Multidistrict Litigation. These class actions involved a wide variety of matters, including unfair competition, breach of warranty, product-related issues, employment discrimination, civil rights, overtime wages, the Fair Debt Collection Practices Act, the Telephone Consumer Protection Act, and consumer protection statutes of nearly all fifty states. Mr. Sultz has successfully opposed class certification and has obtained dismissals in cases prior to class certification by asserting defenses such as federal preemption, primary jurisdiction, and lack of standing. Mr. Sultz is a frequent author and lecturer about class action lawsuits and has been quoted in national publications concerning the Class Action Fairness Act and class action settlements.

Mr. Sultz also has successfully litigated hundreds of product liability cases involving a wide range of products, including catastrophic injury and wrongful death matters resulting from fires and electrocutions. Most recently, Mr. Sultz conducted a trial in which the court returned a favorable verdict in a case involving allegations that his client's product caused a fire and property damage in excess of \$10 million.

Additionally, Mr. Sultz has extensive experience in mass tort cases, including those involving asbestos and the alleged health effects of cell phone use. Given Mr. Sultz's significant experience in mass tort matters, he regularly advises his clients during corporate crisis situations associated with product recalls, federal agency investigations, state attorney general inquiries, and mass tort and class action litigation threats.

Mr. Sultz also routinely litigates matters involving complex commercial disputes. He represents both plaintiffs and defendants in these cases. These matters include contractual disputes, business fraud, predatory lending, misappropriation of trade secrets/customers, land use actions, and unfair competition. These clients have been engaged in the real estate, retail, financial, telecommunications, construction, and manufacturing industries. Most recently, Mr. Sultz obtained a multi-million dollar recovery on behalf of a real estate developer in a breach of contract action involving the development of waterfront property in New York City.



Prior to opening The Sultz Law Group P.C., Mr. Sultz was an equity partner at one of the largest law firms in the country where he served as the co-chairman of its class action practice group. Earlier in his career, Mr. Sultz was in-house counsel for Owens Corning, a Fortune 500 Company, where he was involved in defending the company against tens of thousands of asbestos lawsuits throughout the country.

Mr. Sultz has received the Martindale-Hubbell AV rating, indicating that his legal peers rank him at the highest level of professional excellence. He was also named as a “Mass Tort Lawyer of the Year” by American Law Media, and has been recognized as a Super Lawyer for the last 6 years. Mr. Sultz, was also featured on the front cover of the Wall Street Journal's Legal Leader's magazine in 2014 and 2015 designating him as one of New York's top rated lawyers. In addition, Mr. Sultz has earned selection as a Fellow of the Litigation Counsel of America (LCA), recognizing the country's top trial attorneys. The LCA is an invitation-only honorary society that is composed of less than one-half of one percent of American lawyers.

Joseph Lipari

Joseph Lipari has litigated in state and federal courts throughout the United States, and he has appeared before binding arbitration panels. Mr. Lipari has achieved numerous successful outcomes as counsel for plaintiffs and defendants, including verdicts and settlements.

He has successfully represented businesses in complex suits arising out of high-profile, catastrophic events including: underground mining accidents in Alabama; steel mill explosions in Pennsylvania and Louisiana; and extended unplanned shutdowns and outages in mills, plants, and factories located across the United States and abroad.

He is admitted to the bars of New York, Pennsylvania, and New Jersey. He has also appeared as counsel, by way of pro hac vice admission, in over twenty states. Mr. Lipari has lectured and published on topics including trial strategy, patent disputes, hydrofracking in the Marcellus Shale, and risk management practices.

Mr. Lipari is a 2002 graduate of Seton Hall University School of Law. Before law school, he attended Officer Candidate School in Quantico, Virginia and was offered a commission as Second Lieutenant in the United States Marine Corps.

Prior to joining The Sultz Law Group P.C., Mr. Lipari was a partner at a prominent national litigation firm. Earlier in his career, he was associated with one of the largest law firms in the country.



NEW YORK | PENNSYLVANIA | NEW JERSEY | CALIFORNIA

Mr. Lipari has received the Martindale-Hubbell AV rating, indicating that his legal peers rank him at the highest level of professional excellence. He was also named as a “Mass Tort Lawyer of the Year” by American Law Media, and has been recognized as a Super Lawyer.

Adam Gonnelli

Mr. Gonnelli is a partner at The Sultz Law Group, P.C. Throughout his career, Mr. Gonnelli has served as lead or co-lead counsel in numerous high-profile class action cases throughout the country resulting in multi-million dollar recoveries to consumers, employees, and investors. Mr. Gonnelli concentrates his practice on consumer fraud class actions, wage and hour litigation, and transactional/commercial litigation. Some of his representative cases include *Guttentag v. Ruby Tuesday* (\$3 million recovery for employees in FLSA wage suit); *In re NutraQuest, Inc.*, No. 06-202 (D.N.J.) (consumer fraud case against national diet supplement company); *Wanzo v. Nextel Commc’ns, Inc.*, No. GIC 791626 (Cal. Sup. Ct.) (consumer case challenging change in “nights and weekends” plan); *Rice v. Lafarge North America*, No. 268974 (Md. Cir. Ct.) (merger case resulted in a benefit of \$388 million); and *In re Fox Entm’t Group, Inc. S’holders Litig.*, No. 1033-N (Del. Ch. 2005) (benefit to shareholders of \$450 million).

While attending Cornell Law School, Mr. Gonnelli served as Editor-in-Chief of the Cornell Journal of Law and Public Policy and was a member of the Atlantic Regional Championship moot court team in the Jessup International Law Moot Court Competition (1997). At Rutgers University, Mr. Gonnelli lettered in football and fencing and served as Student Government President.

Prior to joining The Sultz Law Group, Mr. Gonnelli was a partner at a national plaintiff class action law firm where he served as the chairman of its Wage Theft Practice Group. Before attending Law School, Mr. Gonnelli was a Financial Writer at the Federal Reserve Bank of New York, where he wrote educational materials on international trade and monetary policy.